

Exhibit C

From: [Maier, Eric J.](#)
To: [Reiser, Craig M.](#); [Boisvert, Caroline P.](#); [Henningson, Sven E. \(Trip\)](#)
Cc: [Haws, Claire L.](#); [Yung, Eva H.](#); [Thorne, John](#); [Bird, Daniel G.](#); [Goodnow, Christopher C.](#); [Sherrerd, Devon L.](#)
Subject: RE: Daily Mail v. Google -- MDL
Date: Monday, March 11, 2024 3:28:58 PM
Attachments: [image001.png](#)

Caution: External Email

Hi Craig,

Daily Mail is not seeking Google's agreement that it will not pursue additional discovery based on its review of the Daily Mail's productions. But Daily Mail is asking that Google agree to fully and finally end search term and custodian negotiations with respect to Google's first set of requests for production. Plaintiffs agreed that they would not seek additional search terms or custodians with respect to their first set of RFPs. Daily Mail seeks the same agreement from Google.

All the best,

Eric

Eric J. Maier

Kellogg, Hansen, Todd, Figel, & Frederick, P.L.L.C.

1615 M Street, N.W. | Suite 400 | Washington, DC 20036 | (202) 326-7923

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From: Reiser, Craig M. <creiser@axinn.com>

Sent: Friday, March 8, 2024 5:29 PM

To: Maier, Eric J. <emaier@kellogghansen.com>; Boisvert, Caroline P. <cboisvert@axinn.com>; Henningson, Sven E. (Trip) <shenningson@kellogghansen.com>

Cc: Haws, Claire L. <chaws@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Thorne, John <jthorne@kellogghansen.com>; Bird, Daniel G. <dbird@kellogghansen.com>; Goodnow, Christopher C. <cgoodnow@kellogghansen.com>; Sherrerd, Devon L. <dsherrerd@kellogghansen.com>

Subject: [EXTERNAL] RE: Daily Mail v. Google -- MDL

Eric,

Can you please clarify what you mean by (2) and (3)? Are you asking that Google agree not to seek additional custodians and/or search terms based on further discovery? Happy to get on the phone this evening to discuss if easier.

Thanks.

Craig M. Reiser
Partner



Axinn, Veltrop & Harkrider LLP
114 West 47th Street
New York, New York 10036
Office 212.728.2218
Fax 212.728.2201
creiser@axinn.com
Axinn.com

From: Maier, Eric J. <emaier@kelloggghansen.com>
Sent: Friday, March 8, 2024 4:43 PM
To: Boisvert, Caroline P. <cboisvert@axinn.com>; Henningson, Sven E. (Trip) <shenningson@kelloggghansen.com>
Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Thorne, John <jthorne@kelloggghansen.com>; Bird, Daniel G. <dbird@kelloggghansen.com>; Goodnow, Christopher C. <cgoodnow@kelloggghansen.com>; Sherrerd, Devon L. <dsherrerd@kelloggghansen.com>
Subject: RE: Daily Mail v. Google -- MDL

Caution:External Email

Caroline,

The 13 custodians whose documents Daily Mail has agreed to collect and search are more than sufficient to respond to Google's requests for production. We do not agree that any further custodians are necessary or proportionate to the needs of this case. Nevertheless, in a show of good faith and to avoid burdening the court with unnecessary motion practice, Daily Mail is willing to add Martin Clarke as a custodian if: (1) Google agrees to withdraw its request for Lord Rothermere and Paul Zwillenberg; (2) Google agrees that it will seek no additional custodians from Daily Mail with respect to Google's first requests for production; (3) Google agrees that it will seek no additional search terms beyond the 40 to which Daily Mail has already agreed; and (4) Google agrees that Daily Mail need not collect custodial documents outside of Google's selected "relevant time period" of January 1, 2013 to the present. This compromise is reasonable: we understand that no operational employees on any of Daily Mail's commercial teams (ad tech or otherwise) directly reported to Paul

Zwillenberg or Lord Rothermere, so their inclusion as custodians is unlikely to lead to unique relevant documents.

Daily Mail first proposed custodians in May of 2023 and for 6 months Google made no counterproposal nor identified any deficiencies in Daily Mail's proposal. 10 months later, Daily Mail is entitled to full and final resolution of custodian and search term negotiations. If the above compromise is acceptable, please let us know. We are available to meet and confer on this and other issues at your convenience.

All the best,

Eric

Eric J. Maier

Kellogg, Hansen, Todd, Figel, & Frederick, P.L.L.C.

1615 M Street, N.W. | Suite 400 | Washington, DC 20036 | (202) 326-7923

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From: Boisvert, Caroline P. <cboisvert@axinn.com>

Sent: Tuesday, March 5, 2024 7:33 PM

To: Henningson, Sven E. (Trip) <shenningson@kellogghansen.com>; Maier, Eric J. <emaier@kellogghansen.com>

Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Thorne, John <jthorne@kellogghansen.com>; Bird, Daniel G. <dbird@kellogghansen.com>; Goodnow, Christopher C. <cgoodnow@kellogghansen.com>; Sherrerd, Devon L. <dsheererd@kellogghansen.com>

Subject: [EXTERNAL] RE: Daily Mail v. Google -- MDL

Trip,

Given that three weeks had elapsed since the February 9 meet-and-confer where we offered to make significant concessions on several issues, we were disappointed to learn from Daily Mail's March 1 correspondence that Daily Mail's positions on several key issues—including custodians—remain unchanged. Daily Mail's position on custodians, in particular, is unacceptable.

As a final effort to reach compromise, and reserving all rights as to the balance of the issues raised in our February 12 correspondence, we are willing to remove Lord Rothermere (reserving all rights) if Daily Mail is willing to add Martin Clarke and Paul Zwillenberg as custodians. Please indicate whether you agree to this proposal by **Friday, March 8**. Otherwise, our understanding is that we have reached impasse on this point, and we will plan to proceed accordingly.

Best,

Caroline

Caroline P. Boisvert
Associate



Axinn, Veltrop & Harkrider LLP
90 State House Square
Hartford, CT 06103
Office 860.275.8129
Fax 860.275.8101
cboisvert@axinn.com
Axinn.com

Pronouns | She, Her, Hers

From: Henningson, Sven E. (Trip) <shenningson@kellogghansen.com>
Sent: Friday, March 1, 2024 5:27 PM
To: Boisvert, Caroline P. <cboisvert@axinn.com>; Maier, Eric J. <emaier@kellogghansen.com>
Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Thorne, John <jthorne@kellogghansen.com>; Bird, Daniel G. <dbird@kellogghansen.com>; Goodnow, Christopher C. <cgoodnow@kellogghansen.com>; Sherrerd, Devon L. <dscherrerd@kellogghansen.com>
Subject: RE: Daily Mail v. Google -- MDL

Caution:External Email

Caroline,

Please see the attached correspondence.

All the best,
Trip

From: Boisvert, Caroline P. <cboisvert@axinn.com>
Sent: Thursday, February 29, 2024 6:12 PM
To: Henningson, Sven E. (Trip) <shenningson@kellogghansen.com>; Maier, Eric J. <emaier@kellogghansen.com>
Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Thorne, John <jthorne@kellogghansen.com>; Bird, Daniel G. <dbird@kellogghansen.com>; Goodnow, Christopher C. <cgoodnow@kellogghansen.com>; Sherrerd, Devon L. <dscherrerd@kellogghansen.com>
Subject: [EXTERNAL] RE: Daily Mail v. Google -- MDL

Trip,

We believed that we had concluded our February 9 meet-and-confer aligned on the need to close out our negotiations as quickly as possible. To that end, we expressed that Daily Mail need not wait to receive correspondence from us in writing to move forward on the issues we discussed in detail during our call. Nonetheless, to facilitate an efficient and productive meet-and-confer process, we provided our positions in writing on February 12. You responded on February 20 that Daily Mail would respond "in due course," but we have yet to receive a response.

This delay and lack of communication is unacceptable. We have tried to be accommodating and efficient throughout these negotiations; we expect the same from Daily Mail. Please provide a response to our February 12 letter no later than tomorrow, or explain with specificity why you are unable to do so three full weeks after our last discussion.

Best,
Caroline

Caroline P. Boisvert
Associate



Axinn, Veltrop & Harkrider LLP
90 State House Square
Hartford, CT 06103
Office 860.275.8129
Fax 860.275.8101
cboisvert@axinn.com
Axinn.com

Pronouns | She, Her, Hers

From: Boisvert, Caroline P. <cboisvert@axinn.com>
Sent: Tuesday, February 27, 2024 11:18 AM
To: Henningson, Sven E. (Trip) <shenningson@kellogghansen.com>; Maier, Eric J. <emaier@kellogghansen.com>
Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Thorne, John <jthorne@kellogghansen.com>; Bird, Daniel G. <dbird@kellogghansen.com>; Goodnow, Christopher C. <cgoodnow@kellogghansen.com>; Sherrerd, Devon L. <dsherrerd@kellogghansen.com>
Subject: RE: Daily Mail v. Google -- MDL

Hi Trip,

Please let us know when we can expect a response to our February 12 letter. We request your response as soon as possible, and we would be happy to get on the phone to discuss

any outstanding issues to the extent that would help avoid further delay.

Best,
Caroline

Caroline P. Boisvert
Associate



Axinn, Veltrop & Harkrider LLP
90 State House Square
Hartford, CT 06103
Office 860.275.8129
Fax 860.275.8101
cboisvert@axinn.com
Axinn.com

Pronouns | She, Her, Hers

From: Henningson, Sven E. (Trip) <shenningson@kelloggghansen.com>
Sent: Tuesday, February 20, 2024 6:34 PM
To: Boisvert, Caroline P. <cboisvert@axinn.com>; Maier, Eric J. <emaier@kelloggghansen.com>
Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Thorne, John <jthorne@kelloggghansen.com>; Bird, Daniel G. <dbird@kelloggghansen.com>; Goodnow, Christopher C. <cgoodnow@kelloggghansen.com>; Sherrerd, Devon L. <dsherrerd@kelloggghansen.com>
Subject: RE: Daily Mail v. Google -- MDL

Caution:External Email

Hi Caroline,

We are in receipt of your February 12 letter. We are conferring with the client on your requests and will respond in due course.

All the best,
Trip

From: Boisvert, Caroline P. <cboisvert@axinn.com>
Sent: Monday, February 12, 2024 7:43 PM
To: Maier, Eric J. <emaier@kelloggghansen.com>; Henningson, Sven E. (Trip)

<shenningson@kellogghansen.com>

Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Thorne, John <jthorne@kellogghansen.com>; Bird, Daniel G. <dbird@kellogghansen.com>; Goodnow, Christopher C. <cgoodnow@kellogghansen.com>; Sherrerd, Devon L. <dsherrerd@kellogghansen.com>

Subject: [EXTERNAL] RE: Daily Mail v. Google -- MDL

Counsel,

Please see attached correspondence.

Best,
Caroline

Caroline P. Boisvert
Associate



Axinn, Veltrop & Harkrider LLP
90 State House Square
Hartford, CT 06103
Office 860.275.8129
Fax 860.275.8101
cboisvert@axinn.com
Axinn.com

Pronouns | She, Her, Hers

From: Boisvert, Caroline P. <cboisvert@axinn.com>

Sent: Tuesday, February 6, 2024 2:28 PM

To: Maier, Eric J. <emaier@kellogghansen.com>; Henningson, Sven E. (Trip) <shenningson@kellogghansen.com>

Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Thorne, John <jthorne@kellogghansen.com>; Bird, Daniel G. <dbird@kellogghansen.com>; Goodnow, Christopher C. <cgoodnow@kellogghansen.com>; Sherrerd, Devon L. <dsherrerd@kellogghansen.com>

Subject: RE: Daily Mail v. Google -- MDL

Eric,

3pm on Friday works on our end. I will send a calendar invite.

Best,
Caroline

Caroline P. Boisvert

Associate



Axinn, Veltrop & Harkrider LLP
90 State House Square
Hartford, CT 06103
Office 860.275.8129
Fax 860.275.8101
cboisvert@axinn.com
Axinn.com

Pronouns | She, Her, Hers

From: Maier, Eric J. <emaier@kelloggghansen.com>
Sent: Tuesday, February 6, 2024 12:30 PM
To: Boisvert, Caroline P. <cboisvert@axinn.com>; Henningson, Sven E. (Trip) <shenningson@kelloggghansen.com>
Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Thorne, John <jthorne@kelloggghansen.com>; Bird, Daniel G. <dbird@kelloggghansen.com>; Goodnow, Christopher C. <cgoodnow@kelloggghansen.com>; Sherrerd, Devon L. <dsherrerd@kelloggghansen.com>
Subject: RE: Daily Mail v. Google -- MDL

Caution:External Email

Hi Caroline,

We are available on Friday from 1-2 and again after 3. Just let us know what works.

All the best,

Eric

Eric J. Maier

Kellogg, Hansen, Todd, Figel, & Frederick, P.L.L.C.
1615 M Street, N.W. | Suite 400 | Washington, DC 20036 | (202) 326-7923

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From: Boisvert, Caroline P. <cboisvert@axinn.com>

Sent: Tuesday, February 6, 2024 12:27 PM

To: Maier, Eric J. <emaier@kellogghansen.com>; Henningson, Sven E. (Trip) <shenningson@kellogghansen.com>

Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Thorne, John <jthorne@kellogghansen.com>; Bird, Daniel G. <dbird@kellogghansen.com>; Goodnow, Christopher C. <cgoodnow@kellogghansen.com>; Sherrerd, Devon L. <dsherrerd@kellogghansen.com>

Subject: [EXTERNAL] RE: Daily Mail v. Google -- MDL

Hi Eric,

We are available at 5pm ET or later on Thursday. If that does not work, we are also available on Friday.

Thanks,
Caroline

Caroline P. Boisvert
Associate

AXINN

Axinn, Veltrop & Harkrider LLP
90 State House Square
Hartford, CT 06103
Office 860.275.8129
Fax 860.275.8101
cboisvert@axinn.com
Axinn.com

Pronouns | She, Her, Hers

From: Maier, Eric J. <emaier@kellogghansen.com>

Sent: Tuesday, February 6, 2024 12:23 PM

To: Boisvert, Caroline P. <cboisvert@axinn.com>; Henningson, Sven E. (Trip) <shenningson@kellogghansen.com>

Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Thorne, John <jthorne@kellogghansen.com>; Bird, Daniel G. <dbird@kellogghansen.com>; Goodnow, Christopher C. <cgoodnow@kellogghansen.com>; Sherrerd, Devon L. <dsherrerd@kellogghansen.com>

Subject: RE: Daily Mail v. Google -- MDL

Caution: External Email

Hi Caroline,

We are available Thursday afternoon. Let us know if that works for you.

All the best,

Eric

Eric J. Maier

Kellogg, Hansen, Todd, Figel, & Frederick, P.L.L.C.

1615 M Street, N.W. | Suite 400 | Washington, DC 20036 | (202) 326-7923

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From: Boisvert, Caroline P. <cboisvert@axinn.com>

Sent: Tuesday, February 6, 2024 10:59 AM

To: Henningson, Sven E. (Trip) <shenningson@kellogghansen.com>; Maier, Eric J. <emaier@kellogghansen.com>

Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Thorne, John <jthorne@kellogghansen.com>; Bird, Daniel G. <dbird@kellogghansen.com>; Goodnow, Christopher C. <cgoodnow@kellogghansen.com>; Sherrerd, Devon L. <dsherrerd@kellogghansen.com>

Subject: [EXTERNAL] RE: Daily Mail v. Google -- MDL

Trip,

Please let us know your team's availability for a meet-and-confer this week so that we can get something on the calendar.

Best,
Caroline

Caroline P. Boisvert
Associate



Axinn, Veltrop & Harkrider LLP
90 State House Square
Hartford, CT 06103
Office 860.275.8129
Fax 860.275.8101
cboisvert@axinn.com
Axinn.com

Pronouns | She, Her, Hers

From: Boisvert, Caroline P. <cboisvert@axinn.com>
Sent: Friday, February 2, 2024 5:56 PM
To: Henningson, Sven E. (Trip) <shenningson@kelloggghansen.com>; Maier, Eric J. <emaier@kelloggghansen.com>
Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Thorne, John <jthorne@kelloggghansen.com>; Bird, Daniel G. <dbird@kelloggghansen.com>; Goodnow, Christopher C. <cgoodnow@kelloggghansen.com>; Sherrerd, Devon L. <dsherrerd@kelloggghansen.com>
Subject: RE: Daily Mail v. Google -- MDL

Trip,

We are in receipt of your correspondence and Daily Mail's supplemental Initial Disclosures and Interrogatory responses. We think a call next week to discuss the outstanding issues is the most productive path forward. Please propose some times that you are available and we can get something calendared.

Have a nice weekend.

Best,
Caroline

Caroline P. Boisvert
Associate

AXINN

Axinn, Veltrop & Harkrider LLP
90 State House Square
Hartford, CT 06103
Office 860.275.8129
Fax 860.275.8101
cboisvert@axinn.com
Axinn.com

Pronouns | She, Her, Hers

From: Henningson, Sven E. (Trip) <shenningson@kelloggghansen.com>
Sent: Tuesday, January 30, 2024 7:16 PM
To: Maier, Eric J. <emaier@kelloggghansen.com>; Boisvert, Caroline P. <cboisvert@axinn.com>
Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Thorne, John <jthorne@kelloggghansen.com>; Bird, Daniel G. <dbird@kelloggghansen.com>; Goodnow, Christopher C. <cgoodnow@kelloggghansen.com>; Sherrerd, Devon L. <dsherrerd@kelloggghansen.com>
Subject: RE: Daily Mail v. Google -- MDL

Caution: External Email

Hi Caroline,

Please see the attached correspondence.

All the best,
Trip

From: Maier, Eric J. <emaier@kellogghansen.com>

Sent: Friday, January 26, 2024 5:04 PM

To: Boisvert, Caroline P. <cboisvert@axinn.com>

Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Henningson, Sven E. (Trip) <shenningson@kellogghansen.com>; Thorne, John <jthorne@kellogghansen.com>; Bird, Daniel G. <dbird@kellogghansen.com>; Goodnow, Christopher C. <cgoodnow@kellogghansen.com>; Sherrerd, Devon L. <dsherrerd@kellogghansen.com>

Subject: RE: Daily Mail v. Google -- MDL

Hi Caroline,

We are working diligently on a response to your January 19 letter. There are a few pieces of additional information that we are waiting on from our client, and we hope to be able to send you a full response by early next week.

Have a great weekend,

Eric

Eric J. Maier

Kellogg, Hansen, Todd, Figel, & Frederick, P.L.L.C.

1615 M Street, N.W. | Suite 400 | Washington, DC 20036 | (202) 326-7923

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From: Boisvert, Caroline P. <cboisvert@axinn.com>

Sent: Wednesday, January 24, 2024 11:44 AM

To: Maier, Eric J. <emaier@kellogghansen.com>

Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H.

<eyung@axinn.com>; Henningson, Sven E. (Trip) <shenningson@kelloggghansen.com>; Thorne, John <jthorne@kelloggghansen.com>; Bird, Daniel G. <dbird@kelloggghansen.com>; Goodnow, Christopher C. <cgoodnow@kelloggghansen.com>; Sherrerd, Devon L. <dsherrerd@kelloggghansen.com>

Subject: [EXTERNAL] RE: Daily Mail v. Google -- MDL

Thank you, Eric. I do think it would be helpful to quickly touch base. I can be reached at 860-856-3019 and am available between 1pm and 4:30pm today, so please give me a ring at your convenience.

Caroline P. Boisvert
Associate



Axinn, Veltrop & Harkrider LLP
90 State House Square
Hartford, CT 06103
Office 860.275.8129
Fax 860.275.8101
cboisvert@axinn.com
Axinn.com

Pronouns | She, Her, Hers

From: Maier, Eric J. <emaier@kelloggghansen.com>

Sent: Wednesday, January 24, 2024 11:33 AM

To: Boisvert, Caroline P. <cboisvert@axinn.com>

Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Henningson, Sven E. (Trip) <shenningson@kelloggghansen.com>; Thorne, John <jthorne@kelloggghansen.com>; Bird, Daniel G. <dbird@kelloggghansen.com>; Goodnow, Christopher C. <cgoodnow@kelloggghansen.com>; Sherrerd, Devon L. <dsherrerd@kelloggghansen.com>

Subject: RE: Daily Mail v. Google -- MDL

Caution: External Email

Caroline,

During our call on January 16, 2024, we discussed Google's proposed modifications to certain search terms sent to us on January 12. You list those proposed modifications in Appendix B to your January 19 letter. Daily Mail accepts Google's modifications to terms 6, 31, 39, and 43 in Appendix B of Google's January 19 letter. We are still analyzing the other modified terms in your most recent Appendix B, which are hitting on an excessive number of documents. We are working to determine whether the terms can be altered so that they return a reasonable number of hits.

I noticed that I missed a call from you. If it would still be helpful to discuss, let me know and I can give you a call.

All the best,

Eric

Eric J. Maier

Kellogg, Hansen, Todd, Figel, & Frederick, P.L.L.C.

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From: Boisvert, Caroline P. <cboisvert@axinn.com>

Sent: Friday, January 19, 2024 12:41 PM

To: Maier, Eric J. <emaier@kellogghansen.com>

Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Henningson, Sven E. (Trip) <shenningson@kellogghansen.com>; Thorne, John <jthorne@kellogghansen.com>; Bird, Daniel G. <dbird@kellogghansen.com>; Goodnow, Christopher C. <cgoodnow@kellogghansen.com>; Sherrerd, Devon L. <dsherrerd@kellogghansen.com>

Subject: [EXTERNAL] RE: Daily Mail v. Google -- MDL

Counsel,

Please see attached correspondence.

Best,
Caroline

Caroline P. Boisvert

Associate



Axinn, Veltrop & Harkrider LLP
90 State House Square
Hartford, CT 06103
Office 860.275.8129
Fax 860.275.8101
cboisvert@axinn.com
Axinn.com

Pronouns | She, Her, Hers

From: Boisvert, Caroline P.

Sent: Friday, January 12, 2024 4:23 PM

To: 'Maier, Eric J.' <emaier@kelloggghansen.com>

Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; 'Henningson, Sven E. (Trip)' <shenningson@kelloggghansen.com>; 'Thorne, John' <jthorne@kelloggghansen.com>; 'Bird, Daniel G.' <dbird@kelloggghansen.com>; 'Goodnow, Christopher C.' <cgoodnow@kelloggghansen.com>; 'Sherrerd, Devon L.' <dsherrerd@kelloggghansen.com>

Subject: RE: Daily Mail v. Google -- MDL

Eric,

Although we already provided detailed justifications for each of Google's 13 additional proposed custodians during our December 15 meet-and-confer, we will be prepared to discuss further on Tuesday. We expect that, as we have repeatedly requested, Daily Mail will likewise be prepared to provide specific reasons substantiating its assertion that each proposed custodian is duplicative or otherwise unnecessary.

We also intend to discuss the ten Google-proposed search terms Daily Mail rejected in its January 8 letter. Daily Mail rejected two of those terms (rows 32 and 42 in Appendix A to Daily Mail's letter) without offering any alternative. We maintain that these terms are necessary but are willing to discuss Daily Mail's concerns on our call.

For the remaining eight terms, Daily Mail either provided alternatives and/or suggested that the relevant subject matter was covered by other agreed-upon terms. The majority of Daily Mail's proposed alternatives do not run on our document-review platforms, and others do not fully cover the substance of Google's Requests. To address these issues, and although we are still vetting these terms on our end, we have included in the interest of time a chart below outlining potential revisions to Daily Mail's alternative terms. Please be prepared to discuss any outstanding concerns with the proposed revised terms outlined below.

Finally, we expect that you will also be prepared to discuss the remaining issues outlined in my January 9 email.

Best,
Caroline

Daily Mail Appendix B Term No.	Daily Mail's Proposed Alternative Term From Appendix B of its Jan. 8 Letter	Google's Proposed Revision as of Jan. 12
6	content w/10 (relationship OR relat! OR cause OR drive) AND ("advertising revenue" OR (fees w/3 "ad tech") OR (fees w/3 Google))	(content w/10 (relationship OR relat! OR cause OR drive)) AND ("advertising revenue" OR (fees w/3 "ad tech") OR (fees w/3 Google))
	(study OR analysis OR report OR presentation) w/5 ("display advertising" OR "programmatic direct" OR remnant OR backfill	(study OR analysis OR report OR presentation) w/5 ("display advertising" OR "programmatic direct"

31	OR "demand driver" OR audience OR (visitor /5 characteristic) OR readership OR "advertising consultant" OR "advertising agenc*" OR (auction /3 (rule OR form OR mechanism)))	OR remnant OR backfill OR "demand driver" OR audience OR (visitor w/5 characteristic) OR readership OR "advertising consultant" OR "advertising agenc*" OR (auction w/3 (rule OR form OR mechanism)))
33	(develop* OR launch* OR licens* OR feature* OR pricing OR interopera* OR SWOT OR (strength /2 weakness*)) w/10 ("Ad Tech" OR "ad server" OR "ad exchange" OR Meta OR Twitter OR LinkedIn OR Amazon) w/10 compet*	(develop* OR launch* OR licens* OR feature* OR pricing OR interopera* OR SWOT OR (strength w/2 weakness*) OR discount* OR "take rate*" OR alternative* OR switch* OR transparency OR yield OR protection* OR integrat*) w/10 ("Ad Tech" OR "ad server" OR "ad exchange" OR "ad tool")
35	(Traffic OR Impression* OR visit* OR clicks OR visib*) w/10 (manipulate* OR gaming OR game OR exploit OR control OR steer) w/10 Google	(Traffic OR Impression* OR visit* OR clicks OR visib* OR algorithm*) w/5 (manipulate* OR gaming OR game OR exploit* OR control* OR steer*)
36	None – Daily Mail's position is that the subject matter of this term is covered by other accepted terms, including Row 5 of Appendix B.	We propose the below modifications to the term in Row 5 of Appendix B to better account for the subject matter of the term Daily Mail has rejected: ("Accelerated Mobile Pages" OR AMP OR (mobile w/2 (format OR design))) w/10 (comply OR compliance OR conversion* OR profit* OR latency OR spam OR malware OR "header bidding" OR HB OR "Google Discover" OR traffic OR incompatible*)
37	(study* OR studies OR "A/B test*" OR evaluat* OR (cost* w/2 benefit)) w/10 ("Header Bidding" OR HB OR "client-side" OR "client side" OR "server-side" OR "sever side") AND (integrat* OR (number OR limit* OR cap* w/3 "line item*))	(study* OR studies OR "A/B test" OR "A/B tests" OR evaluat* OR "cost benefit" OR "cost-benefit" OR analy* OR report* OR deck*) w/10 ("Header Bidding" OR HB OR "client-side" OR "client side" OR "server-side" OR "server side") w/10 (integrat* OR number OR limit* OR cap* OR latency OR problem* OR privacy OR fraud* or malware* OR complaint* OR issue*)
	("User ID" OR ("user identifier*" OR (user w/2 indentit*) OR "third-party cookie*") w/10 ("Ad tech" OR "Display Advertising" OR DoubleClick OR "Double Click" OR "Double-Click" OR	("User ID" OR "user identifier" OR "user identifiers" OR "user identification" OR "third-party cookie" OR "third-party cookies") w/10 ("Ad tech" OR "Display Advertising" OR DoubleClick OR "Double Click" OR

39	DFP OR "Ad Exchange" OR AdX OR "Ad X" OR "Ad Server" OR "Demand Side Platform" OR "Demand-Side Platform" OR DSP OR revenue OR monetiz* OR strateg*)	"Double-Click" OR DFP OR "Ad Exchange" OR AdX OR "Ad X" OR "Ad Server" OR "Demand Side Platform" OR "Demand-Side Platform" OR DSP OR revenue OR monetiz* OR strateg*)
43	((AdX OR "Ad X" OR (google w/3 "ad exchange")) w/10 ("Google Ad Connector" OR "direct tag*" OR "Google publisher tag*" AND (doubleclick OR "double-click" OR "double click" OR DFP OR "Ad Manager" OR GAM))	(AdX OR "Ad X" OR "google ad exchange") w/10 ("Google Ad Connector" OR "direct tag" OR "Google publisher tag" OR "Google publisher tags") w/10 (doubleclick OR "double-click" OR "double click" OR DFP OR "Ad Manager" OR GAM)
40	(report OR data OR analytics OR metrics) w/10 ("display advertising") AND (Google OR "Ad Tech" OR provider)	advert* w/3 (display OR channel OR desktop OR mobile OR web OR website* OR app OR apps OR television OR TV) w/10 (report* OR data OR analy* OR metric* OR cost* OR effect* OR target* OR yield* OR sale* OR stat OR stats OR statist* OR strength* OR SWOT OR consider*)

From: Boisvert, Caroline P.

Sent: Thursday, January 11, 2024 10:03 AM

To: 'Maier, Eric J.' <emaier@kelloggghansen.com>

Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Henningson, Sven E. (Trip) <shenningson@kelloggghansen.com>; Thorne, John <jthorne@kelloggghansen.com>; Bird, Daniel G. <dbird@kelloggghansen.com>; Goodnow, Christopher C. <cgoodnow@kelloggghansen.com>; Sherrerd, Devon L. <dsherrerd@kelloggghansen.com>

Subject: RE: Daily Mail v. Google -- MDL

Eric,

Responding only on timing, we are available at 3:30pm on Tuesday. I will send an invite to hold the time.

Best,
Caroline

From: Maier, Eric J. <emaier@kelloggghansen.com>

Sent: Wednesday, January 10, 2024 9:59 PM

To: Boisvert, Caroline P. <cboisvert@axinn.com>

Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Henningson, Sven E. (Trip) <shenningson@kelloggghansen.com>; Thorne, John <jthorne@kelloggghansen.com>; Bird, Daniel G. <dbird@kelloggghansen.com>; Goodnow, Christopher

C. <cgoodnow@kelloggghansen.com>; Sherrerd, Devon L. <dsherrerd@kelloggghansen.com>

Subject: RE: Daily Mail v. Google -- MDL

Caution: External Email

Caroline,

I have a conflict at 1 on Tuesday, but am available any time after 2. Are you available to speak at 2 or later? Also, if you would like to discuss custodians, please be prepared to provide justifications for Google's 13 proposed additional custodians beyond those individuals' titles.

All the best,

Eric

From: Boisvert, Caroline P. <cboisvert@axinn.com>

Sent: Wednesday, January 10, 2024 5:36 PM

To: Maier, Eric J. <emaier@kelloggghansen.com>

Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Henningson, Sven E. (Trip) <shenningson@kelloggghansen.com>; Thorne, John <jthorne@kelloggghansen.com>; Bird, Daniel G. <dbird@kelloggghansen.com>; Goodnow, Christopher C. <cgoodnow@kelloggghansen.com>; Sherrerd, Devon L. <dsherrerd@kelloggghansen.com>

Subject: [EXTERNAL] RE: Daily Mail v. Google -- MDL

Eric,

As you know, we had hoped to speak this week to avoid further delay. We are surprised that none of Daily Mail's counsel copied on this correspondence can make themselves available for a call until Tuesday of next week, but if that is the case, we are available to speak at 1pm. Please confirm this time works for you.

Best,
Caroline

Caroline P. Boisvert
Associate

AXINN

Axinn, Veltrop & Harkrider LLP
90 State House Square
Hartford, CT 06103
Office 860.275.8129
Fax 860.275.8101

cboisvert@axinn.com
Axinn.com

Pronouns | She, Her, Hers

From: Maier, Eric J. <emaier@kelloggghansen.com>
Sent: Wednesday, January 10, 2024 5:24 PM
To: Boisvert, Caroline P. <cboisvert@axinn.com>
Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Henningson, Sven E. (Trip) <shenningson@kelloggghansen.com>; Thorne, John <jthorne@kelloggghansen.com>; Bird, Daniel G. <dbird@kelloggghansen.com>; Goodnow, Christopher C. <cgoodnow@kelloggghansen.com>; Sherrerd, Devon L. <dsherrerd@kelloggghansen.com>
Subject: RE: Daily Mail v. Google -- MDL

Caution: External Email

Caroline,

We are not available this week. Please let us know if you are available on Tuesday afternoon.

Eric

Eric J. Maier

Kellogg, Hansen, Todd, Figel, & Frederick, P.L.L.C.
1615 M Street, N.W. | Suite 400 | Washington, DC 20036 | (202) 326-7923

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From: Boisvert, Caroline P. <cboisvert@axinn.com>
Sent: Wednesday, January 10, 2024 5:23 PM
To: Maier, Eric J. <emaier@kelloggghansen.com>
Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Henningson, Sven E. (Trip) <shenningson@kelloggghansen.com>; Thorne, John <jthorne@kelloggghansen.com>; Bird, Daniel G. <dbird@kelloggghansen.com>; Goodnow, Christopher C. <cgoodnow@kelloggghansen.com>; Sherrerd, Devon L. <dsherrerd@kelloggghansen.com>
Subject: [EXTERNAL] RE: Daily Mail v. Google -- MDL

Eric,

Monday is a federal holiday, and we'd prefer not to wait until Tuesday. Please let us know your availability this week.

Best,
Caroline

Caroline P. Boisvert
Associate



Axinn, Veltrop & Harkrider LLP
90 State House Square
Hartford, CT 06103
Office 860.275.8129
Fax 860.275.8101
cboisvert@axinn.com
Axinn.com

Pronouns | She, Her, Hers

From: Maier, Eric J. <emaier@kellogghansen.com>
Sent: Wednesday, January 10, 2024 5:15 PM
To: Boisvert, Caroline P. <cboisvert@axinn.com>
Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Henningson, Sven E. (Trip) <shenningson@kellogghansen.com>; Thorne, John <jthorne@kellogghansen.com>; Bird, Daniel G. <dbird@kellogghansen.com>; Goodnow, Christopher C. <cgoodnow@kellogghansen.com>; Sherrerd, Devon L. <dsherrerd@kellogghansen.com>
Subject: RE: Daily Mail v. Google -- MDL

Caution: External Email

Caroline,

We are available to meet on Monday or Tuesday afternoon. Please let us know if there are times on those days that work for you and your team.

All the best,

Eric

Eric J. Maier
Kellogg, Hansen, Todd, Figel, & Frederick, P.L.L.C.
1615 M Street, N.W. | Suite 400 | Washington, DC 20036 | (202) 326-7923

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that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately via reply e-mail, and then destroy all instances of this communication. Thank you.

From: Boisvert, Caroline P. <cboisvert@axinn.com>

Sent: Tuesday, January 9, 2024 6:09 PM

To: Maier, Eric J. <emaier@kelloggghansen.com>

Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Henningson, Sven E. (Trip) <shenningson@kelloggghansen.com>; Thorne, John <jthorne@kelloggghansen.com>; Bird, Daniel G. <dbird@kelloggghansen.com>; Goodnow, Christopher C. <cgoodnow@kelloggghansen.com>; Sherrerd, Devon L. <dsherrerd@kelloggghansen.com>

Subject: [EXTERNAL] RE: Daily Mail v. Google – MDL

Eric,

We disagree with many of the characterizations in your January 8 letter, including and especially your suggestion that we are not rapidly approaching impasse. Like you, we do not wish to involve the Court unless absolutely necessary. Nonetheless, it has been nearly a year since Google served its Requests for Production on Daily Mail on January 27, 2023. The time has well passed for Daily Mail to fulfill its discovery obligations; we need to reach agreement on outstanding issues quickly or we will have no choice but to seek the Court's assistance to secure Daily Mail's compliance.

We do not think it is productive to belabor or rehash points we have repeatedly made in the many meet-and-confer calls and letters we have exchanged over the past several months. However, since it seems that our disagreement principally pertains to the sufficiency of Daily Mail's responses to Google's Requests for Production, we need to clarify two points.

First, your letter states that Daily Mail has produced "tens of thousands of documents" from the files of its 11 proposed custodians and relevant centrally stored files. That turn of phrase obfuscates the true issues: the timing and quality of Daily Mail's productions. In terms of timing, Daily Mail produced fewer than 500 documents before its May 31, 2023 substantial completion deadline lapsed, see Pre-Trial Order No. 5, ECF 394 ¶ 6.1 (requiring substantial completion of document production "within four months of service" of the Requests), and Daily Mail has produced approximately 40,000 total documents in the 12 months since Google served its Requests. The quality of Daily Mail's productions belies its claim as to their quantity. Indeed, as we noted in our November 10 letter, over 29,000 of the 40,000 documents that Daily Mail has produced appear to be auto-generated ad reports responsive to only a narrow subset of Requests. In other words, nearly a year into document discovery, Daily Mail has come nowhere close to making meaningful productions—much less substantially completing them.

Second, despite our best efforts to close out our meet-and-confer on custodians, Daily Mail has continuously refused to engage. The productions it has made to this point, moreover, raise concerns about the 11 custodians whose documents Daily Mail has searched. For example, Daily Mail has produced fewer than 500 documents from the files of Jesus Mendez. But despite our repeated requests that Daily Mail provide specific reasons for rejecting each of our additional 13 custodians, you have instead repeatedly reiterated that, based on conversations with your client that you have not relayed to us, you are "confident"

that Daily Mail's 11 custodians are sufficient. We need more information than Daily Mail's say-so to reach an agreement, especially when Daily Mail's own Initial Disclosures list at least one individual likely to have discoverable information who Daily Mail may use to support its claims or defenses but who does not appear on Daily Mail's proposed custodian list.

The only way to remedy the timing and quality issues with Daily Mail's productions is to expeditiously reach agreement on a search protocol and substantial completion deadline. Despite the characterizations in your letter, we have not been "unreasonable" in trying to advance our negotiations. For example, though our December 22 letter requested a response by January 3, we first communicated the positions in that letter to you during our December 15 meet-and-confer. At your request that we commit the points we relayed to writing, we followed-up to memorialize those positions on December 22. But that does not change the fact that you had the information you needed well before the holidays and nearly three full weeks before our requested January 3 response date.

In a final effort to resolve the remaining disputed issues, **we request your availability for a call this week** to discuss and finalize agreement (or not) on the following issues:

- The Google-proposed search terms rejected in Daily Mail's January 8 letter;
- The timeframe over which Daily Mail will run searches;
- Google's 13 additional proposed custodians, including Daily Mail's specific bases for rejecting each of those custodians; and
- A date for substantial completion of Daily Mail's productions of documents located pursuant to search terms, go-get documents, and custodial documents from relevant chat platforms.

Please let us know your availability to discuss these points.

Best,
Caroline

Caroline P. Boisvert
Associate



Axinn, Veltrop & Harkrider LLP
90 State House Square
Hartford, CT 06103
Office 860.275.8129
Fax 860.275.8101
cboisvert@axinn.com
Axinn.com

Pronouns | She, Her, Hers

From: Maier, Eric J. <emaier@kellogghansen.com>
Sent: Monday, January 8, 2024 7:50 PM
To: Boisvert, Caroline P. <cboisvert@axinn.com>
Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Henningson, Sven E. (Trip) <shenningson@kellogghansen.com>; Thorne, John <jthorne@kellogghansen.com>; Bird, Daniel G. <dbird@kellogghansen.com>; Goodnow, Christopher C. <cgoodnow@kellogghansen.com>; Sherrerd, Devon L. <dsherrerd@kellogghansen.com>
Subject: RE: Daily Mail v. Google -- MDL

Caution: External Email

Caroline,

Please see the attached correspondence. As always, we are willing to meet and confer, if that would be helpful.

All the best,

Eric

Eric J. Maier

Kellogg, Hansen, Todd, Figel, & Frederick, P.L.L.C.
1615 M Street, N.W. | Suite 400 | Washington, DC 20036 | (202) 326-7923

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From: Boisvert, Caroline P. <cboisvert@axinn.com>
Sent: Thursday, January 4, 2024 6:10 PM
To: Maier, Eric J. <emaier@kellogghansen.com>
Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Henningson, Sven E. (Trip) <shenningson@kellogghansen.com>; Thorne, John <jthorne@kellogghansen.com>; Bird, Daniel G. <dbird@kellogghansen.com>; Goodnow, Christopher C. <cgoodnow@kellogghansen.com>; Sherrerd, Devon L. <dsherrerd@kellogghansen.com>
Subject: [EXTERNAL] RE: Daily Mail v. Google -- MDL

Eric,

We appreciate that you have been working on a response, but as we expressed on our December 15 call and in our December 22 letter, we need to reach agreement or impasse on outstanding discovery issues as quickly as possible.

Daily Mail has come nowhere near to complying with its obligation to produce documents responsive to Google's January 27, 2023 Requests for Production. We recognize that we do not have complete agreement on search terms and custodians, but that is not an excuse for further delay. Daily Mail identified its own set of proposed custodians in May and agreed to certain search terms in July; it could have and should have worked to produce documents based on those custodians and search terms, even as our negotiations continued. Instead, Daily Mail has failed to make meaningful productions even as to those limited custodians and terms. With fact discovery slated to conclude on June 28, we cannot wait any longer; Daily Mail should be producing documents with alacrity and should commit to substantially completing its document productions no later than February 16, 2024. We have made every effort to close out our meet-and-confer on search terms, custodians, and the other issues raised in our December 22 letter—including by scheduling two meet-and-confer calls and outlining our positions in four letters and/or search term proposals since November. Rather than promptly responding to our letters by the dates requested therein, Daily Mail has consistently delayed substantive responses with the promise that it will respond "in due course." After several months of negotiation, further delay is not an option.

Accordingly, and with the understanding that Daily Mail intends to respond more particularly to our December 22 letter, we request Daily Mail respond by reply email with its final positions on the following issues by **Monday, January 8**:

- Does Daily Mail agree to substantial completion of productions of documents located pursuant to search terms, go-get documents, and custodial documents from relevant chat platforms by February 16, 2024?
- Does Daily Mail agree to run the full set of search terms outlined in Appendix D of our December 22 letter? If not, which terms will it not run?
- Does Daily Mail agree to search custodial documents, centrally located files, and relevant chat platforms for all 24 custodians identified in our November 17 proposal? If not, which custodians will it not search and what is Daily Mail's basis for declining to search those custodians' files?
- Does Daily Mail agree to supplement Interrogatory Nos. 10-15, 17-21, and 23 by the January 31, 2024 deadline it has previously identified with respect to other Interrogatories?
- Does Daily Mail agree to produce supplemental privilege logs including email addresses (or other identifying information) and to include such information in privilege logs going forward?

If we do not hear from you on the above by Monday, January 8, we will proceed on the understanding that we have reached impasse on these issues.

Best,
Caroline

Caroline P. Boisvert
Associate



Axinn, Veltrop & Harkrider LLP
90 State House Square
Hartford, CT 06103
Office 860.275.8129
Fax 860.275.8101
cboisvert@axinn.com
Axinn.com

Pronouns | She, Her, Hers

From: Maier, Eric J. <emaier@kellogghansen.com>
Sent: Wednesday, January 3, 2024 3:50 PM
To: Boisvert, Caroline P. <cboisvert@axinn.com>
Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Henningson, Sven E. (Trip) <shenningson@kellogghansen.com>; Thorne, John <jthorne@kellogghansen.com>; Bird, Daniel G. <dbird@kellogghansen.com>; Goodnow, Christopher C. <cgoodnow@kellogghansen.com>; Sherrerd, Devon L. <dsherrerd@kellogghansen.com>
Subject: RE: Daily Mail v. Google -- MDL

Caution: External Email

Hi Caroline,

We received your December 22 letter, have been working diligently on a response over the holidays, and will respond in due course.

All the best,

Eric

Eric J. Maier

Kellogg, Hansen, Todd, Figel, & Frederick, P.L.L.C.
1615 M Street, N.W. | Suite 400 | Washington, DC 20036 | (202) 326-7923

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From: Boisvert, Caroline P. <cboisvert@axinn.com>
Sent: Friday, December 22, 2023 4:57 PM
To: Maier, Eric J. <emaier@kellogghansen.com>; Yung, Eva H. <eyung@axinn.com>; Henningson, Sven E. (Trip) <shenningson@kellogghansen.com>; Thorne, John <jthorne@kellogghansen.com>; Bird, Daniel G. <dbird@kellogghansen.com>; Goodnow, Christopher C. <cgoodnow@kellogghansen.com>; Sherrerd, Devon L. <dsherrerd@kellogghansen.com>

Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>

Subject: [EXTERNAL] RE: Daily Mail v. Google -- MDL

Counsel,

Please see attached correspondence.

Best,
Caroline

Caroline P. Boisvert
Associate



Axinn, Veltrop & Harkrider LLP
90 State House Square
Hartford, CT 06103
Office 860.275.8129
Fax 860.275.8101
cboisvert@axinn.com
Axinn.com

Pronouns | She, Her, Hers

From: Boisvert, Caroline P. <cboisvert@axinn.com>

Sent: Wednesday, December 13, 2023 3:22 PM

To: Maier, Eric J. <emaier@kellogghansen.com>; Yung, Eva H. <eyung@axinn.com>; Henningson, Sven E. (Trip) <shenningson@kellogghansen.com>; Thorne, John <jthorne@kellogghansen.com>; Bird, Daniel G. <dbird@kellogghansen.com>; Goodnow, Christopher C. <cgoodnow@kellogghansen.com>; Sherrerd, Devon L. <dsherrerd@kellogghansen.com>

Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>

Subject: RE: Daily Mail v. Google -- MDL

Eric,

I sent a calendar invite for a meet and confer on Friday at 2pm. To help focus our discussion, please see a list of topics below:

1. Timing
 - a. Identification of a date certain by which Daily Mail will substantially complete its production of go-get documents
 - b. Identification of a date certain by which Daily Mail will complete its production of additional data
 - c. Identification of a date certain by which Daily Mail will supplement its Initial Disclosures
 - d. Identification of a date certain by which Daily Mail will supplement the interrogatory responses it has agreed to supplement by narrative

- e. Identification of a date certain by which Daily Mail will supplement the interrogatory responses it has agreed to supplement pursuant to Rule 33(d)
 - i. Alternatively, Daily Mail's willingness to provide narrative responses to those interrogatories
- 2. Finalization of Search Terms
- 3. Daily Mail's Bases For Rejecting Google's Proposed Custodians
- 4. Initial Disclosures
 - a. Confirmation that Daily Mail's supplemented Initial Disclosures will identify all members of Daily Mail's "ad tech team"
 - b. Confirmation that Daily Mail is not presently aware of any employees of companies listed as third-party witnesses likely to have discoverable information that Daily Mail may use to support its claims or defenses
- 5. ROG Responses
 - a. Discussion of Daily Mail's responses to our questions on interrogatories

Best,
Caroline

Caroline P. Boisvert
Associate



Axinn, Veltrop & Harkrider LLP
90 State House Square
Hartford, CT 06103
Office 860.275.8129
Fax 860.275.8101
cboisvert@axinn.com
Axinn.com

Pronouns | She, Her, Hers

From: Maier, Eric J.
Sent: Monday, December 11, 2023 2:53 PM
To: Boisvert, Caroline P. ; Yung, Eva H. ; Henningson, Sven E. (Trip) ; Thorne, John ; Bird, Daniel G. ; Goodnow, Christopher C. ; Sherrerd, Devon L.
Cc: Haws, Claire L. ; Reiser, Craig M.
Subject: RE: Daily Mail v. Google -- MDL

Caution:External Email

Caroline,

We are happy to meet and confer – we are available Friday afternoon, if that is convenient for you and your team.

We disagree with your assertions that our letter mischaracterizes the many months of negotiations between Google and Daily Mail and that our letter failed to respond to the points raised in Google's correspondence. We intended to respond in good faith to all of Google's concerns, but if you believe that we have not done so, we invite you to identify specifically those issues on which you require further information. We would appreciate your doing so ahead of our meet and confer, so that our call can be as productive as possible.

All the best,

Eric

Eric J. Maier

Kellogg, Hansen, Todd, Figel, & Frederick, P.L.L.C.

1615 M Street, N.W. | Suite 400 | Washington, DC 20036 | (202) 326-7923

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From: Boisvert, Caroline P. <cboisvert@axinn.com>

Sent: Monday, December 11, 2023 12:27 PM

To: Maier, Eric J. <emaier@kellogghansen.com>; Yung, Eva H. <eyung@axinn.com>; Henningson, Sven E. (Trip) <shenningson@kellogghansen.com>; Thorne, John <jthorne@kellogghansen.com>; Bird, Daniel G. <dbird@kellogghansen.com>; Goodnow, Christopher C.

<cgoodnow@kellogghansen.com>; Sherrerd, Devon L. <dsherrerd@kellogghansen.com>

Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>

Subject: [EXTERNAL] RE: Daily Mail v. Google -- MDL

Counsel,

Following-up on the below, please let us know your availability to speak this week.

Best,
Caroline

Caroline P. Boisvert

Associate



Axinn, Veltrop & Harkrider LLP
90 State House Square
Hartford, CT 06103
Office 860.275.8129
Fax 860.275.8101
cboisvert@axinn.com
Axinn.com

Pronouns | She, Her, Hers

From: Boisvert, Caroline P. <cboisvert@axinn.com>
Sent: Thursday, December 7, 2023 7:14 PM
To: Maier, Eric J. <emaier@kellogghansen.com>; Yung, Eva H. <eyung@axinn.com>; Henningson, Sven E. (Trip) <shenningson@kellogghansen.com>; Thorne, John <jthorne@kellogghansen.com>; Bird, Daniel G. <dbird@kellogghansen.com>; Goodnow, Christopher C. <cgoodnow@kellogghansen.com>; Sherrerd, Devon L. <dsherrerd@kellogghansen.com>
Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>
Subject: RE: Daily Mail v. Google -- MDL

Counsel,

After a full month since our November 6, 2023 meet-and-confer and weeks after we sent our November 10 correspondence, our hope was that Daily Mail's response would help clarify the issues that remain in dispute and advance the parties' negotiations. Unfortunately, Daily Mail's December 6 letter mischaracterizes the history of the parties' negotiations on Google's requests for production and interrogatories directed to Daily Mail, ignores multiple points we raised in our November 10 correspondence, and fails to substantively respond to many others. It is critical that we clearly and completely understand Daily Mail's positions so that we can take appropriate next steps, including, as may be necessary, by seeking the Court's intervention. To that end, we would like to schedule a meet-and-confer call as soon as possible—and in all events no later than December 15. We hope to use this call to attempt to clarify the issues and reach agreement on as many as possible. Please let us know your availability for such a call.

Best,
Caroline

Caroline P. Boisvert
Associate



Axinn, Veltrop & Harkrider LLP
90 State House Square
Hartford, CT 06103
Office 860.275.8129

Fax 860.275.8101
cboisvert@axinn.com
Axinn.com

Pronouns | She, Her, Hers

From: Maier, Eric J.

Sent: Wednesday, December 6, 2023 8:00 PM

To: Boisvert, Caroline P. ; Yung, Eva H. ; Henningson, Sven E. (Trip) ; Thorne, John ; Bird, Daniel G. ; Goodnow, Christopher C. ; Sherrerd, Devon L.

Cc: Haws, Claire L. ; Reiser, Craig M.

Subject: RE: Daily Mail v. Google -- MDL

Caution: External Email

Counsel,

Please see the attached letter. We disagree with your assertion that Daily Mail has “fail[ed] to move forward” our negotiations. As we describe in our letter, it is Google that has moved those negotiations backward. As always, we are available to meet and confer if that would be helpful.

All the best,

Eric

Eric J. Maier

Kellogg, Hansen, Todd, Figel, & Frederick, P.L.L.C.

1615 M Street, N.W. | Suite 400 | Washington, DC 20036 | (202) 326-7923

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From: Boisvert, Caroline P. <cboisvert@axinn.com>

Sent: Tuesday, December 5, 2023 7:40 PM

To: Maier, Eric J. <emaier@kellogghansen.com>; Yung, Eva H. <eyung@axinn.com>; Henningson, Sven E. (Trip) <shenningson@kellogghansen.com>; Thorne, John <jthorne@kellogghansen.com>; Bird, Daniel G. <dbird@kellogghansen.com>; Goodnow, Christopher C. <cgoodnow@kellogghansen.com>; Sherrerd, Devon L. <dsherrerd@kellogghansen.com>

Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>

Subject: [EXTERNAL] RE: Daily Mail v. Google -- MDL

Counsel,

We are following up in our effort to complete our meet-and-confer regarding Daily Mail's deficient Initial Disclosures and its deficient responses to Google's Requests for Production and Interrogatories. We still hope to resolve the outstanding issues without the need for Court intervention, but Daily Mail's failure to move forward diligently is jeopardizing our ability to do so.

On November 10, we sent Daily Mail a letter memorializing our November 6 meet-and-confer about Daily Mail's deficient document production, Initial Disclosures, and interrogatory responses. We requested that Daily Mail provide the information requested in that letter by November 17 and that it supplement its existing interrogatory responses pursuant to Rule 33(d) by December 1. On November 17, we followed-up with a revised search term and custodian proposal, for which we requested a response by November 29. When Daily Mail failed to substantively respond to either our November 10 letter or our November 17 proposal, we followed up on November 30 to ask for a date by which Daily Mail would provide a substantive response. Daily Mail never responded to our inquiry. Likewise, Daily Mail has yet to provide the requested 33(d) supplementation.

Given that discovery is set to close in June 2024, Daily Mail must move much more swiftly in the meet-and-confer process. Please provide a date certain by which Daily Mail will provide substantive responses to our letter and proposal, or, alternatively, please provide a time this week to meet and confer on these issues by phone so we can understand Daily Mail's position(s) and proceed accordingly.

Best,
Caroline

Caroline P. Boisvert
Associate



Axinn, Veltrop & Harkrider LLP
90 State House Square
Hartford, CT 06103
Office 860.275.8129
Fax 860.275.8101
cboisvert@axinn.com
Axinn.com

Pronouns | She, Her, Hers

From: Boisvert, Caroline P. <cboisvert@axinn.com>

Sent: Thursday, November 30, 2023 8:34 AM

To: Maier, Eric J. <emaier@kelloggghansen.com>; Yung, Eva H. <eyung@axinn.com>; Henningson, Sven E. (Trip) <shenningson@kelloggghansen.com>; Thorne, John <jthorne@kelloggghansen.com>; Bird, Daniel G. <dbird@kelloggghansen.com>; Goodnow, Christopher C. <cgoodnow@kelloggghansen.com>; Sherrerd, Devon L. <dsherrerd@kelloggghansen.com>

Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>

Subject: RE: Daily Mail v. Google -- MDL

Counsel,

Our November 17 correspondence requested Daily Mail's response to our search term and custodian proposal by November 29, which was yesterday. Please let us know when we can expect Daily Mail's response to that proposal as well as Daily Mail's response to our November 10 letter.

Best,
Caroline

Caroline P. Boisvert
Associate



Axinn, Veltrop & Harkrider LLP
90 State House Square
Hartford, CT 06103
Office 860.275.8129
Fax 860.275.8101
cboisvert@axinn.com
Axinn.com

Pronouns | She, Her, Hers

From: Maier, Eric J. <emaier@kelloggghansen.com>
Sent: Friday, November 17, 2023 4:37 PM
To: Yung, Eva H. <eyung@axinn.com>; Henningson, Sven E. (Trip) <shenningson@kelloggghansen.com>; Thorne, John <jthorne@kelloggghansen.com>; Bird, Daniel G. <dbird@kelloggghansen.com>; Goodnow, Christopher C. <cgoodnow@kelloggghansen.com>; Sherrerd, Devon L. <dsherrerd@kelloggghansen.com>
Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Boisvert, Caroline P. <cboisvert@axinn.com>
Subject: RE: Daily Mail v. Google -- MDL

Caution: External Email

Eva,

We received your November 10 letter and November 17 custodian and search term proposal. We are analyzing both and will respond in due course.

All the best,

Eric

Eric J. Maier

Kellogg, Hansen, Todd, Figel, & Frederick, P.L.L.C.

1615 M Street, N.W. | Suite 400 | Washington, DC 20036 | (202) 326-7923

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From: Yung, Eva H. <eyung@axinn.com>

Sent: Friday, November 17, 2023 1:39 PM

To: Henningson, Sven E. (Trip) <shenningson@kellogghansen.com>; Maier, Eric J. <emaier@kellogghansen.com>; Thorne, John <jthorne@kellogghansen.com>; Bird, Daniel G. <dbird@kellogghansen.com>; Goodnow, Christopher C. <cgoodnow@kellogghansen.com>; Sherrerd, Devon L. <dsherrerd@kellogghansen.com>

Cc: Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Yung, Eva H. <eyung@axinn.com>; Boisvert, Caroline P. <cboisvert@axinn.com>

Subject: [EXTERNAL] RE: Daily Mail v. Google -- MDL

Counsel,

Further to our November 10, 2023 letter, please see proposed search strings and custodians for searches of electronically stored information. Please let us know if this list is acceptable as soon as possible and in all events by November 29, 2023. We would also be happy to schedule a call to discuss, if helpful—please propose times if so.

Yours,

Eva

Eva H. Yung

Associate

AXINN

Axinn, Veltrop & Harkrider LLP

114 West 47th Street

New York, New York 10036

Office 212.728.2235

Fax 212.728.2201

eyung@axinn.com

Axinn.com

From: Boisvert, Caroline P. <cboisvert@axinn.com>
Sent: Friday, November 10, 2023 2:58 PM
To: Henningson, Sven E. (Trip) <shenningson@kelloggghansen.com>; Maier, Eric J. <emaier@kelloggghansen.com>; Thorne, John <jthorne@kelloggghansen.com>; Bird, Daniel G. <dbird@kelloggghansen.com>; Goodnow, Christopher C. <cgoodnow@kelloggghansen.com>; Sherrerd, Devon L. <dsherrerd@kelloggghansen.com>
Cc: Yung, Eva H. <eyung@axinn.com>; Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>
Subject: RE: Daily Mail v. Google -- MDL

Counsel:

Please see attached correspondence.

Best,
Caroline

Caroline P. Boisvert
Associate



Axinn, Veltrop & Harkrider LLP
90 State House Square
Hartford, CT 06103
Office 860.275.8129
Mobile 860.856.3019
Fax 860.275.8101
cboisvert@axinn.com
Axinn.com

Pronouns | She, Her, Hers

From: Boisvert, Caroline P.
Sent: Tuesday, October 31, 2023 10:58 AM
To: 'Henningson, Sven E. (Trip)' <shenningson@kelloggghansen.com>; Maier, Eric J. <emaier@kelloggghansen.com>; Thorne, John <jthorne@kelloggghansen.com>; Bird, Daniel G. <dbird@kelloggghansen.com>; Goodnow, Christopher C. <cgoodnow@kelloggghansen.com>; Sherrerd, Devon L. <dsherrerd@kelloggghansen.com>
Cc: Yung, Eva H. <eyung@axinn.com>; Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>
Subject: RE: Daily Mail v. Google -- MDL

Thanks, Trip. I will send a calendar invite for Nov. 6 at 3pm.

Best,
Caroline

From: Henningson, Sven E. (Trip) <shenningson@kelloggghansen.com>
Sent: Monday, October 30, 2023 10:33 PM
To: Boisvert, Caroline P. <cboisvert@axinn.com>; Maier, Eric J. <emaier@kelloggghansen.com>; Thorne, John <jthorne@kelloggghansen.com>; Bird, Daniel G. <dbird@kelloggghansen.com>; Goodnow, Christopher C. <cgoodnow@kelloggghansen.com>; Sherrerd, Devon L. <dsherrerd@kelloggghansen.com>
Cc: Yung, Eva H. <eyung@axinn.com>; Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>
Subject: RE: Daily Mail v. Google -- MDL

Caution: External Email

Caroline,

Each of the times proposed — Nov. 6 at 11:30am, Nov. 6 at 3pm, Nov. 7 at 10am, and Nov. 7 at 1pm — would work for us. Please send an invitation for whichever is best for your team.

All the best,
Trip

From: Boisvert, Caroline P. <cboisvert@axinn.com>
Sent: Monday, October 30, 2023 4:30 PM
To: Maier, Eric J. <emaier@kelloggghansen.com>; Thorne, John <jthorne@kelloggghansen.com>; Bird, Daniel G. <dbird@kelloggghansen.com>; Henningson, Sven E. (Trip) <shenningson@kelloggghansen.com>; Goodnow, Christopher C. <cgoodnow@kelloggghansen.com>; Sherrerd, Devon L. <dsherrerd@kelloggghansen.com>
Cc: Yung, Eva H. <eyung@axinn.com>; Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>
Subject: [EXTERNAL] RE: Daily Mail v. Google -- MDL

Eric,

I am writing to follow-up on scheduling a meet-and-confer on Google's discovery requests directed to Daily Mail, which we have been trying to schedule since October 20. Given that your availability to speak with us changed between October 24 (when you suggested we speak on October 30 or 31) and when we followed up the next day, we want to get a call scheduled sooner than later so we do not face any additional scheduling delays. Please let us know if the times proposed in my email below work for you, and we would be happy to send around a calendar invitation to hold the time.

Best,
Caroline

Caroline P. Boisvert
Associate



Axinn, Veltrop & Harkrider LLP
90 State House Square
Hartford, CT 06103
Office 860.275.8129
Fax 860.275.8101
cboisvert@axinn.com
Axinn.com

Pronouns | She, Her, Hers

From: Boisvert, Caroline P.
Sent: Friday, October 27, 2023 3:11 PM
To: 'Maier, Eric J.' <emaier@kellogghansen.com>; Thorne, John <jthorne@kellogghansen.com>; Bird, Daniel G. <dbird@kellogghansen.com>; Henningson, Sven E. (Trip) <shenningson@kellogghansen.com>; Goodnow, Christopher C. <cgoodnow@kellogghansen.com>; Sherrerd, Devon L. <dsherrerd@kellogghansen.com>
Cc: Yung, Eva H. <eyung@axinn.com>; Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>
Subject: RE: Daily Mail v. Google -- MDL

Eric,

Here is our availability for those dates:

Nov. 6 at 11:30am
Nov. 6 at 3pm
Nov. 7 at 10am
Nov. 7 at 1pm

Please let us know what works on your end and we will send a calendar invite.

Best,
Caroline

From: Maier, Eric J. <emaier@kellogghansen.com>
Sent: Friday, October 27, 2023 2:09 PM
To: Boisvert, Caroline P. <cboisvert@axinn.com>; Thorne, John <jthorne@kellogghansen.com>; Bird, Daniel G. <dbird@kellogghansen.com>; Henningson, Sven E. (Trip) <shenningson@kellogghansen.com>; Goodnow, Christopher C. <cgoodnow@kellogghansen.com>;

Sherrerd, Devon L. <dsherrerd@kellogghansen.com>

Cc: Yung, Eva H. <eyung@axinn.com>; Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>

Subject: RE: Daily Mail v. Google -- MDL

Caution: External Email

Caroline,

October 30 and 31 no longer work for us. We are available on November 6 or 7. Just let us know what times work for your team on those days.

Eric

Eric J. Maier

Kellogg, Hansen, Todd, Figel, & Frederick, P.L.L.C.

1615 M Street, N.W. | Suite 400 | Washington, DC 20036 | (202) 326-7923

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From: Boisvert, Caroline P. <cboisvert@axinn.com>

Sent: Friday, October 27, 2023 2:07 PM

To: Maier, Eric J. <emaier@kellogghansen.com>; Thorne, John <jthorne@kellogghansen.com>; Bird, Daniel G. <dbird@kellogghansen.com>; Henningson, Sven E. (Trip)

<shenningson@kellogghansen.com>; Goodnow, Christopher C. <cgoodnow@kellogghansen.com>;

Sherrerd, Devon L. <dsherrerd@kellogghansen.com>

Cc: Yung, Eva H. <eyung@axinn.com>; Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>

Subject: [EXTERNAL] RE: Daily Mail v. Google -- MDL

Eric,

Please let us know when you would like to meet & confer next week based on the availability provided in my email below.

Best,
Caroline

Caroline P. Boisvert
Associate



Axinn, Veltrop & Harkrider LLP
90 State House Square
Hartford, CT 06103
Office 860.275.8129
Fax 860.275.8101
cboisvert@axinn.com
Axinn.com

Pronouns | She, Her, Hers

From: Boisvert, Caroline P.
Sent: Wednesday, October 25, 2023 11:11 AM
To: 'Maier, Eric J.' <emaier@kelloggghansen.com>; Thorne, John <jthorne@kelloggghansen.com>; Bird, Daniel G. <dbird@kelloggghansen.com>; Henningson, Sven E. (Trip) <shenningson@kelloggghansen.com>; Goodnow, Christopher C. <cgoodnow@kelloggghansen.com>; Sherrerd, Devon L. <dsherrerd@kelloggghansen.com>
Cc: Yung, Eva H. <eyung@axinn.com>; Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>
Subject: RE: Daily Mail v. Google -- MDL

Eric,

Thank you for your email. Responding only on scheduling and your request for an agenda, please find our availability and proposed items for discussion below:

Availability

- Monday, Oct. 30 at 10am
- Tuesday, Oct. 31 at 10am
- Tuesday, Oct. 31 at 3pm

Agenda Items

- Sufficiency of Daily Mail's May 15 set of proposed search terms and custodians
- Daily Mail's efforts to produce documents to date
- Sufficiency of Daily Mail's initial disclosures
- Sufficiency of Daily Mail's responses to interrogatories, including Google's clarification of ROG 16

Best,
Caroline

From: Maier, Eric J. <emaier@kelloggghansen.com>
Sent: Tuesday, October 24, 2023 3:06 PM
To: Boisvert, Caroline P. <cboisvert@axinn.com>; Thorne, John <jthorne@kelloggghansen.com>; Bird, Daniel G. <dbird@kelloggghansen.com>; Henningson, Sven E. (Trip) <shenningson@kelloggghansen.com>; Goodnow, Christopher C. <cgoodnow@kelloggghansen.com>;

Sherrerd, Devon L. <dsherrerd@kelloggghansen.com>

Cc: Yung, Eva H. <eyung@axinn.com>; Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>

Subject: RE: Daily Mail v. Google -- MDL

Caution: External Email

Caroline,

Daily Mail is available to meet and confer on Monday or Tuesday of next week. We are generally available, so please let us know some times that work for you.

Daily Mail and Google have met and conferred on several occasions to discuss Google's discovery requests. During our meet and confers, we primarily have discussed the search terms Daily Mail will run over the documents it has collected as well as Google's interrogatories and Daily Mail's responses. While those discussions were ongoing, Daily Mail has made four separate productions totaling nearly 58,000 pages and over 1.3 terabytes of data. And Daily Mail responded to 30 interrogatories – more than are allowed under the federal rules or the orders governing this case. Following our last meet and confer, there were several outstanding issues.

Search Terms

Google proposed search terms on May 12 and Daily Mail made its counterproposal of search terms and custodians on May 15. On May 23, we provided hit counts for Google's proposed search terms showing that Google's proposal was unreasonable. Google's terms hit on nearly every document that Daily Mail had at that point collected. Although Daily Mail's initial search term proposal was sufficient, it agreed on July 17 to add an additional 19 Google-proposed search terms – nearly half of all of the terms Google proposed. We explained that Daily Mail's search protocol (as augmented on July 17) was more than sufficient. We asked that, if Google disagreed, Google explain why. Google has not done so.

During our August 10 meet and confer, we again asked that Google explain why Daily Mail's search protocol was insufficient. Google did not specify why Daily Mail's search protocol was insufficient. Instead, Google asked that Daily Mail provide a hit report that deduplicates as against documents already in Daily Mail's review population. We also stated that if Google wished to propose alternative search terms, Daily Mail would consider that proposal. Google has not proposed any alternative search terms.

Daily Mail is willing to provide a hit report that deduplicates against documents already in its review population if Google will do the same for the search terms proposed by MDL plaintiffs regarding their first set of requests for production as well as any future search terms plaintiffs propose. Please confirm by Friday whether Google agrees to this reciprocal arrangement.

Interrogatories

Daily Mail has responded to 30 interrogatories, 5 more than Google was permitted to serve under the Federal Rules or the discovery orders governing this case. At our meet and confer on August 10, we discussed Google's requested supplementation of several interrogatories. Daily Mail agreed to supplement its response to Interrogatory 7 and will further agree to supplement its responses to Interrogatories 24 and 25.

At the August 10 meet and confer, Google agreed to clarify in writing its request that Daily Mail supplement its response to Interrogatory 16. Google has not done so. Please provide that clarification prior to any meet and confer, and by Friday at the latest.

Next Meet and Confer

In light of the extensive meet and confers that have already taken place between Daily Mail and Google, we want to ensure that any future meet and confer does not re-tread old ground. If you would like to meet on Monday or Tuesday, please provide by Friday an agenda of the specific issues you would like to discuss.

All the best,

Eric

Eric J. Maier

Kellogg, Hansen, Todd, Figel, & Frederick, P.L.L.C.

1615 M Street, N.W. | Suite 400 | Washington, DC 20036 | (202) 326-7923

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From: Boisvert, Caroline P. <cboisvert@axinn.com>

Sent: Friday, October 20, 2023 3:57 PM

To: Maier, Eric J. <emaier@kellogghansen.com>; Thorne, John <jthorne@kellogghansen.com>; Bird, Daniel G. <dbird@kellogghansen.com>; Henningson, Sven E. (Trip)

<shenningson@kellogghansen.com>; Goodnow, Christopher C. <cgoodnow@kellogghansen.com>; Sherrerd, Devon L. <dsherrerd@kellogghansen.com>

Cc: Yung, Eva H. <eyung@axinn.com>; Haws, Claire L. <chaws@axinn.com>; Reiser, Craig M. <creiser@axinn.com>

Subject: [EXTERNAL] RE: Daily Mail v. Google -- MDL

Counsel,

We would like to schedule a meet and confer regarding Google's discovery requests to Daily Mail. Please let us know your availability next week.

Best,
Caroline

Caroline P. Boisvert
Associate



Axinn, Veltrop & Harkrider LLP
90 State House Square
Hartford, CT 06103
Office 860.275.8129
Fax 860.275.8101
cboisvert@axinn.com
Axinn.com

Pronouns | She, Her, Hers

From: Baskin, Josh <jbaskin@wsgr.com>
Sent: Thursday, October 19, 2023 11:24 AM
To: Maier, Eric J. <emaier@kellogghansen.com>; Thorne, John <jthorne@kellogghansen.com>; Bird, Daniel G. <dbird@kellogghansen.com>; Henningson, Sven E. (Trip) <shenningson@kellogghansen.com>; Goodnow, Christopher C. <cgoodnow@kellogghansen.com>; Sherrerd, Devon L. <dsherrerd@kellogghansen.com>
Cc: Yung, Eva H. <eyung@axinn.com>; Haws, Claire L. <chaws@axinn.com>; Boisvert, Caroline P. <cboisvert@axinn.com>; Reiser, Craig M. <creiser@axinn.com>; Shariff, Baasil <bshariff@wsgr.com>; Evans-Aziz, Mikaela <mevansaziz@wsgr.com>
Subject: Daily Mail v. Google -- MDL

Caution: External Email

Eric and team,

I want to introduce you to the team at Axinn who will be taking over from us with respect to negotiations on discovery vis-à-vis Daily Mail in the MDL case.

Eva, Claire, Caroline, and Craig are ccd here.

It was a pleasure working with you on this.

Regards,

Josh Baskin
Wilson Sonsini Goodrich & Rosati, P.C.

One Market Plaza | Spear Tower Suite 3300
San Francisco, CA 94105
Direct: (415) 947-2160
E-mail: jbaskin@wsgr.com

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